

REMARK

Claims 1-18 are pending in this application. Claims 1, 7 and 15-18 are independent claims.

By this amendment, claims 1, 7, 16 and 17 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 15 and 18 over the art of record.

The Office Action also indicates that claims 2-6 and 8-14 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, applicants respectfully submit that all of claims 1-18 are allowable, for at least the reasons set forth below.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections

(1) claims 1, 7, 16 and 17 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,661,297 to Pepper (hereafter Pepper '297); and

(2) claims 1, 7, 16 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application

Publication US 2002/0075086 A1 to Pepper (hereafter Pepper '086).

These rejections are respectfully traversed.

Applicants respectfully submit that the claimed invention is distinguishable from the cited art, Pepper '297 and Pepper '086, for at least the following reasons:

The Examiner alleges that Pepper '297 (and publication Pepper '086) discloses a VCO circuit with plural oscillators (12) that oscillate in respective frequency bands, with tuning control (Vtune), and that selector circuits (30) allow for the selection of a particular oscillator output to be sent to a respective limiter (14) that limits the output of the oscillator. (see office Action, page 2, paragraph 2; and page 3, paragraph 3).

Applicants submit that Pepper '297 (and publication Pepper '086) fails to disclose that the output level of the limiter/dividers 14/16 remains constant.

For example, in the present invention the voltage-controlled oscillation circuit VCO varies as the oscillation frequency thereof varies according to the control voltage being inputted thereto. Furthermore, in the present invention the output level of the limiter circuit LMT remains constant. With the claimed configuration, it is possible to maintain a constant output level all the time irrespective of the oscillation frequency. (see present specification, page 6, paragraph [0013]).

In contrast with the present invention, Pepper '297 (and publication Pepper '086) fails to disclose a limiter circuit with an output level that remains substantially constant, as set forth in the present invention. Instead, Pepper discloses that the main limiter/divider 14 controls the octave for the main output frequency, i.e., selects the VCO output frequency or a sub-harmonic as shown in Pepper's Fig. 2. (see Pepper '297, col. 3, lines 11-15).

In other words, Pepper's '297 limiter 14 either selects the VCO output frequency or a sub-harmonic (first or second) frequency. As a result, Pepper's '297 limiter 14 fails to provide a substantially constant output, but instead switches between multiple outputs (multi-octave). (see Pepper '297. col. 4, lines 1-24).

As such, we Pepper's '297 limiter 14 is functionally different from the claimed limiter which acts to provide a substantially constant output.

For at least the above noted reasons, we believe the present invention is distinguishable from Pepper '297 and Pepper publication '086.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements

must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited references, Pepper '297 and Pepper publication '086, fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1, 7, 16 and 17 are allowable over Pepper '297 and Pepper publication '086 for at least the reasons noted above.

Accordingly, withdrawal of the rejection of claims 1, 7, 16 and 17 under 35 U.S.C. §102(e) and §102(b) is respectfully solicited.

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.


Application No. 10/697,329
Amendment dated August 2, 2005
Reply to Office Action of May 5, 2005
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Docket No.: 2936-0200P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

By 
Terrell C. Birch #128271
Registration No.: 19,382
BIRCH, STEWART, KOLASCH & BIRCH,
LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-
0747
(703) 205-8000
Attorney for Applicant